

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
www.gibsondunn.com

Reed Brodsky  
Direct: +1 212.351.5334  
Fax: +1 212.351.6235  
RBrodsky@gibsondunn.com

November 19, 2020

VIA ECF

The Honorable Kiyo Matsumoto  
United States District Judge  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Greebel, S1 15 Cr. 637 (E.D.N.Y.) (KAM)

Dear Judge Matsumoto:

Mr. Greebel appreciates that, rather than ruling on Mr. Greebel's objections to the garnishment and the government's opposition thereto based on the submissions alone, the Court is going to hold a hearing and allow Mr. Greebel to submit documents and call witnesses, if necessary. To that end, we respectfully request that the Court schedule the hearing—and reschedule the current November 23, 2020 deadline for Mr. Greebel to file a list of proposed witnesses and exhibits—in or after late January 2021 so that we can issue subpoenas for documents and testimony in advance of the hearing. Pursuant to Rule 45 of the Federal Rules of Civil Procedure, we respectfully seek to issue subpoenas for such documents and testimony from the relevant law firms, plan administrators, and other relevant parties. This is Mr. Greebel's first request to extend the deadline to file a list of proposed witnesses and exhibits.

Parties should be able to use civil subpoena power in connection with criminal forfeiture. *See, e.g., United States v. Patiwana*, 267 F. Supp. 2d 301, 302 (E.D.N.Y. 2003) ("Since 18 U.S.C. § 3613 expressly authorizes the use of civil remedies to enforce criminal fines, the government properly listed the criminal docket number on the subpoenas."); 28 U.S.C. § 3004 ("A complaint, notice, writ, or other process required to be served in an action or proceeding under this chapter shall be served in accordance with the Federal Rules of Civil Procedure unless otherwise provided in this chapter."); 28 U.S.C. § 3015 ("the United States may have discovery regarding the financial condition of the debtor in the manner in which discovery is authorized by the Federal Rules of Civil Procedure in an action on a claim for a debt."); 18 U.S.C. § 3613 ("The United States may enforce a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law or State law"). For example, the government has objected to our submission of the exit notice provided to a former Katten Muchin partner, Michael Gordon, summarizing

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his options under the Katten Plan when he left the firm. Thus, upon the scheduling of a hearing, we will be able to subpoena the documents that Mr. Greebel himself received from the Katten Muchin plan administrator.

The government has not consented to our request.

Respectfully submitted,

*/s/ Reed Brodsky*

Reed Brodsky

cc: All Counsel of Record (Via ECF)